

### DETAILED ACTION

This office action is responsive to amendment file on 02/28/2008.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dermot G. Miller on 03/26/2008.

The application has been amended as follows:

**In claim 30**, please insert after device (line 10) --- , **including: computing a number of idle control elements to insert between substantive frames of a data stream of the virtual sub-channel, and inserting the computed number of idle control elements between substantive frames of the data stream of the virtual sub-channel ---.**

**In claim 39**, please insert after device (line 10) --- , **the reducing the data rate including: computing a number of idle control elements to insert between substantive frames of a data stream of the virtual sub-channel, and inserting the computed number of idle control elements between substantive frames of the data stream of the virtual sub-channel ---.**

**In claim 43, please insert after device (line 10) --- , the reducing the data rate including: computing a number of idle control elements to insert between substantive frames of a data stream of the virtual sub-channel, and inserting the computed number of idle control elements between substantive frames of the data stream of the virtual sub-channel ---.**

**Cancel claim 37.**

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 27, 2008

/Yves Dalencourt/

Primary Examiner, Art Unit 2157